

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NEBRASKA JOINT UTILITIES
MANAGEMENT PROGRAM,

Plaintiff,

vs.

SYMMETRY ENERGY SOLUTIONS,
LLC,

Defendant.

4:23CV3040

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the joint motion to amend the final progression order, Filing No. 39, is granted. The final progression order, Filing Nos. 21 and 34, is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently scheduled for October 15, 2024, is **continued** and will be held with the undersigned magistrate judge on **November 12, 2024 at 9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is May 3, 2024. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by May 17, 2024.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

Plaintiff's Rebuttal: May 10, 2024

- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s): July 19, 2024.

For the defendant(s): August 23, 2024.

Plaintiff(s)' rebuttal: September 13, 2024.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is November 1, 2024.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is December 6, 2024.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is December 6, 2024.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 10) All other deadlines in the prior case progression orders remain unchanged. Any requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 4th day of April, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge